

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
CHRISTOPHER L CHAMBERS) CASE NO. 10-23922-KL-13
STACY M CHAMBERS)
Debtors.)

MOTION FOR RELIEF FROM STAY
AND FOR ABANDONMENT OF REAL ESTATE BECAUSE THE PLAN PROPOSES
TO SURRENDER PROPERTY

U.S. Bank National Association, Creditor, for its Motion for Relief from Stay and for Abandonment of Real Estate, against, Christopher L Chambers and Stacy M Chambers, alleges and says:

1. On August 22, 2010, Christopher L Chambers and Stacy M Chambers (hereinafter referred to as the “Debtors”) filed a Petition under Chapter 13 of the Bankruptcy Code in this Court under the above denominated case number.

2. On September 27, 2010, U.S. Bank National Association filed its Proof of Claim in the Chapter 13 Proceeding of Christopher L Chambers and Stacy M Chambers for a secured claim in the amount of \$264,920.28 on the real estate located at 940 Michael Drive, Chesterton, IN 46304, and more particularly described as follows:

LOT 127 IN REPLAT OF LOTS 108 THRU 110 DUNELAND COVE, UNIT 4 IN TOWN OF CHESTERTON AS PER PLAT THEREOF RECORDED IN PLAT FILE 18-C-6F IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA.

3. There is due and owing to U.S. Bank National Association the sum of \$277,560.28 in principal and interest (\$279,818.86 P&I - \$2,258.58 suspense), as of December 31, 2015.

4. No equity in the real estate exists for the benefit of unsecured creditors. The Assessed Value Total of Land and Improvements per the Porter County Tax Detail is \$269,300.00. A copy of said Detail is attached hereto.

5. On November 3, 2010 the Bankruptcy Court confirmed the Chapter 13 Plan of Debtors. The Order provides that the Trustee will act as disbursing agent on his post-petition mortgage payments.

6. It is the intention of the Debtor to surrender the real estate according to the terms of the Amended Plan.

7. The loan is due for the November 1, 2013 installment.

8. Installments have not been paid according to the terms of the Note and Mortgage and, therefore, the Note and Mortgage are in default. All applicable loan documents have been attached hereto and incorporated herein as exhibits.

9. U.S. Bank National Association is being irreparably harmed by the stay preventing it from continuing with foreclosure proceedings on its Mortgage and because the sums due and owing to it are increasing rapidly through the continued accrual of interest and the incurring of other costs and expenses and accordingly the Court should enter an Order authorizing U.S. Bank National Association to continue upon its Mortgage, which would not hinder, burden, delay, or be inconsistent with this proceeding.

10. U.S. Bank National Association, services the loan on the property referenced in this motion for relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of U.S. Bank National Association. Note-holder, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to the Note-holder or has been duly endorsed.

WHEREFORE, Creditor prays that the stay, pursuant to Section 362 of the Bankruptcy Code, be modified to permit it to institute proceedings to foreclose upon its Mortgage and to otherwise enforce its rights against the Real Estate, for abandonment of the Real Estate from Debtor's bankruptcy estate, and for such other relief as is just and proper in the premises.

WHEREFORE, Creditor further prays that such Order shall bind Debtors in any conversion of the above-entitled bankruptcy proceedings, as to the interest of Creditor, its successors and assigns, in the above-described property.

Creditor, by counsel, further prays that no further notices pursuant to rule 3002.1, 3002.1(f) or 3002.1(g) be required by the court on the claim.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Relief was sent electronically or by ordinary United States mail, postage prepaid on the day of filing with the U.S. Bankruptcy Court:

Christopher L Chambers, 967 N 50 W., Chesterton, IN 46304
Dan L. Whitten, 6183 Central Avenue, Portage, IN 46368, Whitten33@aol.com
Stacy M Chambers, 7 Covington Drive, Valparaiso, IN 46383
Paul R. Chael, 401 West 84th Drive, Suite C, Merrillville, IN 46410
U.S. Trustee, One Michiana Square Building, Suite 555, 100 East Wayne Street, South Bend, IN 46601-2349

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